

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM: CREEKMORE PARK COMMUNITY CENTER
May 14, 2019 – 5:30 P.M.**

Before calling the meeting to order, Chairman Keesee asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Don Keesee, Richard Morris, Vicki Newton, Kelly Wilson, Ret Taylor, Griffin Hanna and Brian Trumbly.

Chairman Keesee then called for a motion on the minutes from the April 9, 2019, meeting. Commissioner Taylor moved, seconded by Commissioner Newton, to approve the minutes as written.

Mr. Wally Bailey spoke on the procedures.

- 1. Rezoning #8-5-19; A request by Ron Brixey, agent for Baxter Hillside Ranch, LLC, for a zone change from Not Zoned to Residential Single Family Low Density (RS-1) by extension at 6405 Rye Hill Road East.**

Chairman Keesee introduced item 1. Ms. Brenda Andrews read the staff report indicating the approval of the zoning request would allow the owner to subdivide the property for single family homes. Ms. Andrews stated that the subject property is located on the south side of Steep Hill Road and north of Rye Hill Road between Steep Hill Cutoff Road and Old Highway 71, containing 21.34 acres with no specific development proposed.

Ron Brixey was present to represent this application.

Chairman Keesee called for a motion on the application. Commissioner Taylor, seconded by Commissioner Hanna, motioned to approve the request.

Carla Slobodnik at 6200 Rye Hill Road East and Terri Burt, who indicated she was an adjoining property owner, raised concerns regarding the adequacy of notification for the required neighborhood meeting, lot sizes, and home sizes.

Commissioners Taylor and Hanna requested to withdraw the original motion.

Commissioner Morris, seconded by Commissioner Trumbly, moved to table the item to allow for an additional neighborhood meeting.

Chairman Keesee called for a vote on the motion to table the item. The vote was 7 in favor and 0 opposed. Chairman Keesee announced the tabling of this item was approved.

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2. **Variance #12-5-19; A request by Bobby Aldridge, agent, for Jerry Glidewell/Fort Smith Boys and Girls Club, for an exterior side-yard setback from 25' to 0' at 3000 Dodson Avenue.**
3. **Conditional Use #8-5-19; A request by Bobby Aldridge, agent for Jerry Glidewell/Fort Smith Boys and Girls Club, for improvements to an existing park at 3000 Dodson Avenue.**

Chairman Keesee introduced items 2 and 3. Ms. Maggie Rice read the staff reports indicating the approval of the variance and conditional use request would allow for renovations at Hunts Park. Ms. Rice stated that the property was located on the southwest corner of Old Greenwood Road and Dodson Avenue with 608 feet of street frontage along Dodson Avenue. Staff recommended approval of said items contingent upon the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- The dumpster location and screening methods must be completely screened in accordance to the UDO. The screening is not required, if the dumpster is not visible from any street right of way or adjacent property.
- All lighting shall comply with Section 27-602-5 of the UDO.

Bobby Aldridge was present to speak in favor of these applications.

No one was present to speak in opposition of these applications.

Chairman Keesee called for a motion on item 2—the variance. Commissioner Taylor moved, seconded by Commissioner Newton, to approve the variance request with staff comments. The vote was 6 in favor and 1 abstention (Wilson). Chairman Keesee announced the variance was approved.

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3. **Conditional Use #8-5-19; A request by Bobby Aldridge, agent for Jerry Glidewell/Fort Smith Boys and Girls Club, for improvements to an existing park at 3000 Dodson Avenue.**

Chairman Keesee called for a motion on item 3—the conditional use. Commissioner Taylor moved, seconded by Commissioner Trumbly, to approve the conditional use request with staff

comments. The vote was 6 in favor and 1 abstention (Wilson). Chairman Keesee announced the conditional use was approved.

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- 4. Variance #14-5-19; A request by Ron Brixey, agent for the Fort Smith Airport Commission and Fuller Realty, LLC, from the Outdoor Advertising Sign regulations (1) from 13 feet to 1.8 feet minimum height at the lowest portion of the face surface of the sign and (2) from the Outdoor Advertising Sign Bank regulations at 5199 Old Greenwood Road.**

Chairman Keesee introduced item 4. Mr. Wally Bailey read the staff report indicating the approval of the variance request would allow for the addition of 115 square feet of sign face onto the existing sign. Mr. Bailey stated that the purpose of the sign bank regulations were to ensure the quantity and sizes of outdoor signs do not increase and to ensure proper placement of replaced or relocated outdoor advertising signs. Mr. Bailey stated that staff did not believe the applicant's hardship was justified. He also stated that approval of the variance could encourage others to apply for variances from the sign bank requirements, which would lessen the effectiveness and the intent of the regulations to manage the number and size of outdoor advertising signs.

Ron Brixey was present to speak in representation of this application. Mr. Charles Fuller was present to speak in favor of the application, while there were none present to speak in opposition.

There was much discussion regarding the Sign Bank's regulations and requirements.

Chairman Keesee called for a motion on the variance. Commissioner Hanna moved, seconded by Commissioner Morris, to approve the variance request. The vote was 0 in favor and 7 opposed. Chairman Keesee announced the variance was denied.

- 5. Variance #13-5-19; A request by Bobby Aldridge, agent for George Cats avis, Madelyne Revocable Family Trust and First National Bank, (1) from 150 feet to 44 feet minimum separation between driveways and (2) from 170 feet to 28 feet minimum separation between driveway and an intersection at 20-28 North 6th Street.**
- 6. Conditional Use #9-5-19; A request by Bobby Aldridge, agent for George Catsavis, Madelyne Revocable Family Trust and First National Bank, for a commercial parking lot at 20-28 North 6th Street.**

Chairman Keesee introduced items 5 and 6. Ms. Andrews read the staff reports indicating the approval of the variance and conditional use request would allow for the expansion of an existing

parking lot. Ms. Andrews stated that the property was located on the east side of North 6th Street between Garrison Avenue and North “A” Street. Staff recommended approval contingent upon the following:

- Construction must comply with the submitted development plan. Changes or amendments to the submitted development plan are permitted but limited to those described in Section 27-329-8 of the UDO. Any changes greater than those described in this section will require Planning Commission approval.
- Board of Zoning Adjustment approval of the companion variance application.
- The landscaping shall be irrigated with an automatic irrigation system or the applicant shall supply the City with a maintenance plan.
- Specific plant species, quantity and sizes must be submitted to the Planning Department for review with the building permit submittal.
- Any future exterior lighting shall comply with the UDO Commercial and Outdoor Lighting regulations.
- If any signage is proposed, the applicant shall submit a sign permit application to the Planning department for review and approval and in compliance with CBID signage regulations.

Bobby Aldridge was present to represent the application. No one was present in opposition of the application.

Chairman Keesee called for a motion on item 5—the variance. Commissioner Taylor moved, seconded by Commissioner Newton, to approve the variance request with staff comments. The vote was 7 in favor and 0 opposed. Chairman Keesee announced the variance was approved.

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- 6. Conditional Use #9-5-19; A request by Bobby Aldridge, agent for George Catsavis, Madelyne Revocable Family Trust and First National Bank, for a commercial parking lot at 20-28 North 6th Street.**

Chairman Keesee called for a motion on item 6—the conditional use. Commissioner Taylor moved, seconded by Commissioner Newton, to approve the conditional use request with staff comments. The vote was 7 in favor and 0 opposed. Chairman Keesee announced the conditional use was approved.

7. UDO Amendment- An amendment to Appendix A (The Land Use Chart) allowing Community Food Services as a Conditional Use in Commercial Light (C-2), Commercial Moderate (C-3), and Commercial Regional (C-4) zones.

Chairman Keesee introduced item 7. Ms. Rice read the staff report indicating approval of the proposed amendment to the UDO would allow *community food services* as a conditional use in the C-2, C-3, and C-4 zoning districts.

Chairman Keesee called for a motion on the UDO Amendment. Commissioner Hanna moved, seconded by Commissioner Taylor, to recommend approval of the UDO amendment to the Board of Directors.

There was no further discussion. Chairman Keesee called for a vote on the motion to recommend approval. The vote was 5 in favor and 2 opposed (Hanna, Wilson).

Chairman Keesee announced the UDO Amendment recommendation was approved.

8. Conditional Use #10-5-19; A request by Darla Lackey, agent for Visiliki Properties, for a conditional use for a Community Food Services facility at 2711 Park Avenue.

Chairman Keesee introduced item 8. Ms. Maggie Rice read the staff reports indicating the approval of the conditional use request would allow for an approximate 852 s.f. community food services use in a Commercial Light (C-2) zone. Ms. Rice indicated the subject property was on the northeast corner of North Greenwood Road and Park Avenue.

Darla Lackey was present to represent and speak in favor of the conditional use. There were 2 others present to speak in favor of this item (Susanna Sisson, Tammy Benton). There were none present to speak in opposition.

Chairman Keesee called for a motion on the conditional use. Commissioner Taylor, seconded by Commissioner Morris, motioned to approve the conditional use, subject to the following:

- All food distribution shall occur following the schedule by appointment only as proposed by the applicant so as to not cause a traffic problem for the surrounding properties.
- No outdoor storage of materials, supplies, or donations.
- If a dumpster is required it shall be screened in accordance with the UDO requirement.
- Any new signage shall be required to obtain a sign permit.
- Any new site lighting shall be in compliance with Section 27-602-5 of the UDO.
- All *community food services* activity at 321 May Avenue shall cease.

There was no further discussion. Chairman Keesee called for a vote on the motion to approve the conditional use. The vote was 3 in favor and 4 opposed (Newton, Wilson, Hanna, Trumbly).

Chairman Keesee announced the conditional use was denied.

9. UDO Amendment- Massard Overlay.

Chairman Keesee introduced item 9. Mr. Bailey read the staff report, which proposed an overlay district on Massard Road between Little Massard creek to the north and South Zero Street to the south.

Chairman Keesee called for a motion on the UDO Amendment. Commissioner Taylor moved, seconded by Commissioner Newton, to recommend the UDO amendment to the Board of Directors.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the UDO Amendment. The vote was 7 in favor and 0 opposed.

Chairman Keesee announced the UDO Amendment was approved for recommendation.

10. UDO Amendment – An amendment to the Extraterritorial Jurisdiction allowing a Planned Zoning District.

Chairman Keesee introduced item 10. Mr. Bailey read the staff report indicating approval of the proposed amendment to the UDO would a developer to propose a hybrid zoning district for a development that may not fit well into one of the ETJ zoning districts.

Chairman Keesee called for a motion on the UDO Amendment. Commissioner Taylor moved, seconded by Commissioner Newton, to recommend the UDO amendment to the Board of Directors.

There was no discussion. Chairman Keesee called for a vote on the motion to approve the UDO Amendment. The vote was 7 in favor and 0 opposed.

Chairman Keesee announced the UDO Amendment was approved for recommendation.

There being no further business, the meeting adjourned at approximately 7:30 p.m.